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SUBJECT: THE MALDIVES -- 2009 TIP REPORT: PRESS GUIDANCE
AND DEMARCHE

REF: A. STATE 59732

[1](#)B. STATE 005577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Maldives of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Maldives and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Maldives of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Maldives,s country narrative in the 2009 TIP Report:

THE MALDIVES (Tier 2)

The Maldives is primarily a destination country for migrant workers from Bangladesh and India trafficked into forced labor and, to a lesser extent, a destination country for women trafficked for the purpose of commercial sexual exploitation. An unknown number of the 80,000 foreign workers currently working in the Maldives) primarily in the construction and service sectors)face fraudulent recruitment practices, confinement, confiscation of identity and travel documents, debt bondage, or general slave-like conditions. Twenty thousand of these workers do not have legal status in the country, yet both legal and illegal workers were vulnerable to conditions of forced labor. While some migrant workers have paid agents up to \$4,000 for the opportunity to work in the Maldives, most pay \$2,000; these high fees may create vulnerabilities for debt bondage, as noted in a recent ILO report on forced labor. A small number of women from Sri Lanka, Thailand, India, and China reportedly are trafficked to Male, the capital, for purposes of commercial sexual exploitation. A small number of underage Maldivian girls reportedly are trafficked to Male from other islands for domestic servitude. Trafficking offenders usually fall into two groups: wealthy families that subject domestic servants to forced labor; and some of the 200 registered employment agents who bring low-skilled migrant workers to the Maldives under false terms of employment and subject them to conditions of forced labor upon arrival.

The Government of the Maldives does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. During the reporting period, the government acknowledged the human trafficking problem on the Maldives and began taking steps to confront it effectively, though overall efforts were insufficient.

Recommendations for The Maldives: Draft and enact legislation prohibiting and punishing all forms of trafficking in persons; develop and implement systematic procedures for government officials to identify victims of trafficking among vulnerable groups such as undocumented migrants and women in prostitution; ensure that identified victims of trafficking are provided necessary assistance and are not penalized for unlawful acts committed as a direct result of their being trafficked; increase efforts to investigate and prosecute trafficking offenses and convict and sentence trafficking offenders; raise public awareness to human trafficking through media campaigns; and take steps to ensure that employers and labor brokers are not abusing labor recruitment or sponsorship processes in order to subject migrant workers to forced labor.

Prosecution

The Government of the Maldives undertook minimal anti-trafficking law enforcement efforts during the last year. Although the Maldives does not have an anti-human

trafficking law, its constitution prohibits forced labor and slavery and some laws covering sexual offenses and child protection can be used to prosecute sex trafficking and child trafficking offenses. The sexual offenses statute) Section 173 of the Rules of Procedure adopted in February 2008) prescribes penalties of up to 15 years, imprisonment, which are sufficiently stringent and commensurate with those prescribed for other grave crimes, such as rape. While overall awareness of the Maldives, trafficking problem seemed low among law enforcement personnel, the government provided them with some training in the recognition of trafficking victims. These officials, however, did not vigorously investigate possible cases of labor trafficking. The government prosecuted one case of forced labor during the year. A migrant worker had been chained in a small room for days and let out only for work; his employer was convicted and sentenced to only four months, imprisonment. A case of suspected transnational sex trafficking was investigated, but the case was dropped due to lack of evidence.

Protection

The Maldivian government made no discernable efforts to identify or assist victims of trafficking for labor exploitation. Over the year, there were reported cases of foreign workers suffering from conditions of fraudulent recruitment, confinement, withheld pay, physical abuse, poor living conditions, and even debt bondage; however, authorities, efforts to identify trafficking victims among these exploited workers were weak. The government provided no services, such as shelter, counseling, medical care, or legal aid, to foreign or Maldivian victims of trafficking. When workers in distress sought assistance from the government, they were returned to their countries of origin, as the government lacked adequate resources to support them.

The government,s general policy for dealing with trafficking victims was to get them out of the country as quickly as possible, noting that deportation is less costly than incarceration. Two foreign women identified by police as sex trafficking victims in 2008 were provided temporary shelter before being repatriated with the help of their home country,s diplomatic mission in Male; there was no criminal prosecution related to their exploitation. There were no reported investigations of internal trafficking of Maldivian or transnational sex trafficking. Authorities did not encourage victims to participate in the investigation or prosecution of trafficking offenses and did not provide foreign victims with legal alternatives to their removal to countries where they might face hardship or retribution. The government did not ensure that victims of trafficking were not penalized for unlawful acts committed as a direct result of their being trafficked, though there were no reports during the reporting period of the government deliberately punishing trafficking victims.

Prevention

The Maldivian government made minimal efforts to prevent human trafficking over the reporting period. The government conducted one anti-trafficking informational campaign, however, in January 2008, which attempted to educate the public on the provisions of the 2008 Employment Law. Various government ministries and agencies lacked any mechanism) such as a committee or plan of action) for coordination on anti-trafficking matters. However, various ministries were in frequent contact and relied on their personal relationships rather than a formal mechanism for contact. The government did not take any measures to reduce the substantial demand for forced labor on the islands, though it did start operations of a Labor Tribunal that will address the main form of trafficking in the country. The Maldives has not ratified the 2000 UN TIP Protocol.

technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims, labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1) or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition,

the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers, home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries, "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers, profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Maldives placed on the TIP Report this year? Why was it ranked Tier 2?

A: The Maldives was placed on the TIP Report for the first time because there is reliable information that it is a country of origin, transit, or destination for victims of severe forms of trafficking. The Government of the Maldives does not fully comply with the minimum standards for the elimination of trafficking, though it is making significant efforts to do so. The government has acknowledged the human trafficking problem facing the Maldives and it began taking steps to confront it effectively.

Q2: In what areas of anti-trafficking intervention is Maldives weak?

A: The government's general policy for dealing with trafficking victims was to get them out of the country as quickly as possible, noting that deportation is less costly than incarceration. There were no reported investigations of internal trafficking of Maldivian or transnational sex trafficking. Various government ministries and agencies

lacked any mechanism) such as a committee or plan of action) for coordination on anti-trafficking matters. The Government of the Maldives undertook minimal anti-trafficking law enforcement efforts during the last year.

Q3: What can Maldives do to improve its fight against trafficking in persons?

A: The Maldives government could: Draft and enact legislation prohibiting and punishing all forms of trafficking in persons; develop and implement systematic procedures for government officials to identify victims of trafficking among vulnerable groups such as undocumented migrants and women in prostitution; ensure that identified victims of trafficking are provided necessary assistance and are not penalized for unlawful acts committed as a direct result of their being trafficked; increase efforts to investigate and prosecute trafficking offenses and convict and sentence trafficking offenders; raise public awareness to human trafficking through media campaigns; and take steps to ensure that employers and labor brokers are not abusing labor recruitment or sponsorship processes in order to subject migrant workers to forced labor.

¶12. The Department appreciates posts, assistance with the preceding action requests.
CLINTON